MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2016/2017

UIC2612 – ISLAMIC CONSTITUTIONAL LAW

(All Sections / Groups)

31st MAY 2017
Reading Time : 9.00 – 9.15 am
(15 Minutes)
Answering Time: 9.15 am – 12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to choose **ONE** question in **PART A** whereas in **PART B** all questions are **COMPULSORY** to be answered. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of Translation of Al-Quran. Students are not allowed to lend or borrow statute(s) and/or the Translation of Al-Quran during the Examination.

5. Please write all your answers in the Answer Booklet provided.

PART A (CHOOSE ONE OUT OF TWO QUESTIONS)

Question 1

It was stated by Muhammad Hamidullah: "There is also the use of the word "*Diin*" in this document (Sahifah Madinah). This word simultaneously stands for religion and government both, and it is a fact of such great importance that if we lose sights of it we shall fail to understand the religion and politics of Islam in a proper way."

1) Based on the above statement, explain various opinions among Muslim scholars on the relationship between politics and religion in Islam.

(15 marks)

2) Based on the provisions of Sahifah Madinah, explain and elaborate the followings:

a. The principle of common citizenship. (2.5 marks)

b. Equality and justice in a pluralistic society. (2.5 marks)

c. Joint responsibility of the citizens in defending the state. (2.5 marks)

d. The administration of justice. (2.5 marks)

(10 marks)

(Total: 25 marks)

Question 2

Hassan Turabi views that the Islamic state or polity may take any form as long as it remains as an entity subjected to the Shariah.

1) Based on the above, examine the characteristic of an Islamic state based on the sources of Islamic law.

(15 marks)

2) Briefly describe the main characteristics of an Islamic constitution based on the sources of Islamic law.

(10 marks)

(Total: 25 marks)

Continued ...

PART B (ALL QUESTIONS ARE COMPULSORY TO BE ANSWERED)

Question 3

Darul Iman is an Islamic State with Sayid Ali as the Head of the State. He was elected thru a majority vote and allegiance by the members of Consultative Council for 5 years after the demise of Sayid Aziz. During the process Sayid Ali was challenged by Sayid Ammar, who claimed that he was the best for the throne as he was the eldest son in the royal family. However, after a long meeting and debate among the members of Consultative Council, Sayid Ali was elected. Dissatisfied with the result, Sayid Ammar challenged the Consultative Council's decision.

As the Judge of Constitutional Court in Darul Iman, determine the followings:

1) Whether the appointment of Sayid Ali as the Head of State of Darul Iman is valid according to the principles of Istikhlaf, Baiah and Shura?

(15 marks)

2) What are the necessary conditions to be fulfilled in order to be appointed as a Head of an Islamic state?

(10 marks)

(Total: 25 marks)

Question 4

Darul Falah is a newly established Islamic country, which has constitutionally declared that the sole prerogative power belongs to Allah, the only God and the main sources of law are Al-Quran and Sunnah. The Constitution also mentioned that the official religion of the country is Islam. Darul Falah was established on 1st March 2017. About 80% of the populations are Muslims and the rest are non-Muslims.

Samuel, a Christian is interested to live in Darul Falah as he would like to venture into the new Shariah-based investment scheme offered by that country. However, he was told by his good friend, Arthur that as a citizen in an Islamic country, he is not entitled to equal rights and freedom in many aspects of life including economic, social and culture.

Advise Samuel.

(Total: 25 marks)

Continued ...

Question 5

Islam recognizes certain basic freedoms to the extent that no individual or legislative assembly has the right to amend, change, or withdraw. These freedoms shall be granted to all citizens in an Islamic state, Muslims and non-Muslims, regardless of their race, nationality, ethnic origin or language.

Based on the above proposition, discuss basic freedoms recognized under Islamic constitutional law with special reference to Quranic injunctions and Hadith of the Prophet s.a.w.

(Total: 25 marks)

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